

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANDREW GARNSEY,

Petitioner,

vs

9:04-CV-95

DAVID MILLER,

Respondent.

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APPEARANCES:

ANDRE GARNSEY  
Petitioner, Pro Se  
00-A-0486  
Eastern Correctional Facility  
P.O. Box 338  
Napanoch, New York 12585

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Respondent  
Department of Law  
The Capitol  
Albany, New York 12224

HON. DAVID N. HURD  
United States District Judge

OF COUNSEL:

BRIDGET ERIN HOLOHAN, ESQ.  
Asst. Attorney General

**DECISION and ORDER**

Petitioner, Andrew Garnsey, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on January 26, 2004; and filed an amended petition on April 29, 2004. By Report-Recommendation dated June 29, 2007, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the petition be denied. There have been no objections made to the Report-Recommendation.

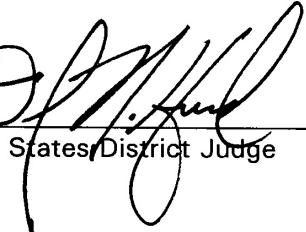
Accordingly, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: July 24, 2007  
Utica, New York.

  
United States District Judge